

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK COLSTON,

Plaintiff,

CIVIL ACTION NO. 06-CV-11001-DT

v.

DISTRICT JUDGE NANCY G. EDMUNDS

KEVIN LINDSEY, and  
AMY BIERKA,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendants.

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ORDER DENYING PLAINTIFF'S MOTIONS TO AMEND  
TO CONFORM TO THE EVIDENCE

This cause comes before the Court on Petitioner's successive Motions to Amend to Conform to the Evidence that were filed in June 2006 (Docket #17 and #23). Both pleadings deal with alleged violations of his constitutional rights by prison officials that are unrelated to the claims presented in the instant action. Plaintiff has also not established that he has exhausted his administrative remedies to the persons named in the motions. Accordingly, Plaintiff's successive Motions to Amend to Conform to the Evidence is DENIED.

The parties to this action may object to and seek review of this Order but are required to act within ten (10) days of service of a copy hereof as provided for in Fed.R.Civ.P. 72(a) and E.D.Mich.LR 72.1(d)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. Fed.R.Civ.P. 72. Filing of objections that raise some issues but fail to raise others with specificity, will not preserve all the

objections a party might have to this Order. Pursuant to E.D. Mich. LR 72.1(d)(1), a copy of any objection is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall not be more than five (5) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

SO ORDERED.

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: June 19, 2006

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### CERTIFICATE OF SERVICE

I hereby certify on June 19, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on June 19, 2006. **Mark Colston.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217